

**SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO
RESOLUTION 1267 (1999) CONCERNING AL-QAIDA AND THE TALIBAN
AND ASSOCIATED INDIVIDUALS AND ENTITIES**

GUIDELINES OF THE COMMITTEE FOR THE CONDUCT OF ITS WORK

(Adopted on 7 November 2002, as amended on 10 April 2003¹,
revised on 21 December 2005² and amended on 29 November 2006³)

1. The Al-Qaida and Taliban Sanctions Committee

The Committee of the Security Council established by paragraph 6 of Security Council resolution 1267 (1999) of 15 October 1999 and whose functions were modified by resolutions 1390 (2002) of 16 January 2002, 1526 (2004) of 30 January 2004 and 1617 (2005) of 29 July 2005, known as the Al-Qaida and Taliban Sanctions Committee, shall hereinafter, for the purpose of these Guidelines, be referred to as “the Committee.”

The Committee is a subsidiary organ of the Security Council.

2. Composition of the Committee

- (a) The Committee will consist of all Members of the Security Council.
- (b) The Chairman of the Committee will be appointed and act as Chair in a personal capacity by the Security Council. The Chairman of the Committee will be assisted by two delegations which act as Vice-Chairmen, which will be appointed by the Security Council.
- (c) The Chairman will chair meetings of the Committee. When he is unable to chair a meeting, he will nominate one of the Vice-Chairmen to act on his behalf.
- (d) The Secretariat of the Committee will be provided by the Secretariat of the United Nations.

3. Meetings of the Committee

- (a) Meetings of the Committee, both formal and informal, will be convened at any time the Chairman deems necessary, or at the request of a Member of the Committee. Two working days notice will be given for any meeting of the Committee, although shorter notice may be given in urgent situations.

¹ Section 7 added

² Guidelines revised as a whole. In Section 6 and 8 only technical corrections have been made. Pursuant to paragraph 18 of Security Council resolution 1617 (2005) the Committee is continuing its work with respect to these two sections.

³ Section 6 of the previous guidelines replaced.

- (b) The Committee will meet in closed sessions, unless it decides otherwise. The Committee may invite any member of the United Nations to participate in the discussion of any question brought before the Committee in which interests of that Member are specifically affected. The Committee will consider requests from Member States to send representatives to meet with the Committee for more in-depth discussion of relevant issues. The Committee may invite members of the Secretariat or other persons to provide the Committee with appropriate expertise or information or to give it other assistance in examining matters within its competence.
- (c) The Committee may invite the members of the Analytical Support and Sanctions Monitoring Team (hereinafter referred to as “the Monitoring Team”) to attend meetings as appropriate.

4. Decision-making

- (a) The Committee shall make decisions by consensus of its members. If consensus cannot be reached on a particular issue, the Chairman should undertake such further consultations as may facilitate agreement. If after these consultations, consensus still cannot be reached, the matter may be submitted to the Security Council. The Chairman may encourage bilateral exchanges between interested Member States in order to clarify the issue prior to a decision.
- (b) Where the Committee agrees, decisions may be taken by a written procedure. In such cases the Chairman will circulate to all members of the Committee the proposed decision of the Committee, and will request members of the Committee to indicate any objection they may have to the proposed decision within 5 working days (or in urgent situations, such shorter period as the Chairman shall determine). If no objection is received within such period, the decision will be deemed adopted. Communications submitted to the Committee pursuant to resolution 1452 (2002) shall be considered in accordance with the procedure determined by that resolution.
- (c) A hold placed on a matter by a member of the Committee will cease to have effect at the time its membership of the Committee ends. New members shall be informed of all pending matters one month before their membership begins and are encouraged to inform the Committee of their position on relevant matters, including possible approval, objection or hold, at the time they become members.
- (d) The Committee will review at least once a month the status of pending issues as updated by the Secretariat.

5. Mandate of the Committee

The mandate of the Committee shall be, on the basis of the measures imposed by paragraph 4 (b) of resolution 1267 (1999), paragraph 8 (c) of resolution 1333 (2000), and paragraphs 1 and 2 of resolution 1390 (2002) as reiterated in paragraph 1 of resolutions 1526 (2004) and 1617 (2005), to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

- (a) To seek from all States further information regarding the actions taken by them with a view to effectively implement the measures imposed by the resolutions as referred to above;
- (b) To update regularly the list referred to in paragraph 1 of resolution 1617 (2005), as described in Sections 6, 7 and 8 below;
- (c) To cooperate with other relevant Security Council Sanctions Committees and with the Committee established pursuant to paragraph 6 of resolution 1373 (2001) of 28 September 2001 and with the Committee established pursuant to paragraph 4 of resolution 1540 (2004) of 28 April 2004;
- (d) To examine the reports submitted by Member States pursuant to paragraph 6 of resolution 1390 (2002) as well as paragraph 6 of resolution 1455 (2003), reports presented by the Monitoring Team pursuant to Annex I to resolution 1617 (2005), and checklists submitted by Member States pursuant to paragraph 10 of resolution 1617 (2005);
- (e) To consider information brought to its attention by States concerning non-compliance with the measures referred to above and to recommend appropriate measures in response thereto;
- (f) To make periodic reports to the Council on information submitted to the Committee regarding the implementation of resolution 1617 (2005), including regarding non-compliance with the measures imposed by the resolutions referred to above;
- (g) To make information it considers relevant, including the list referred to in paragraph 1 of resolution 1617 (2005), publicly available through the appropriate media;
- (h) To amend expeditiously such guidelines and criteria as may be necessary to facilitate the implementation of the measures referred to above;
- (i) To consider requests for exemptions from the measures imposed by paragraph 1(b) of resolution 1617 (2004) in accordance with that paragraph;

- (j) To consider notifications and requests concerning exemptions from the relevant measures imposed by the resolutions referred to above, in accordance with resolution 1452 (2002);
- (k) To consider requests by Member States for additional information which would facilitate the implementation of the measures referred to above in accordance with Section 7.e. below;
- (l) To transmit requests by Member States for technical assistance to the Counter-Terrorism Committee.

6. The Consolidated List

- (a) The Committee will update regularly the Consolidated List when it has agreed to include relevant information received from Member States or international or regional organizations either directly or through the Monitoring Team.
- (b) Member States are encouraged to establish a national mechanism or procedure to identify and assess appropriate candidates to propose to the Committee for listing.
- (c) Before a Member State proposes a name for addition to the Consolidated List, it is encouraged, if it deems it appropriate, to approach the State(s) of residence and/or citizenship of the individual or entity concerned to seek additional information. States are advised to submit names as soon as they gather the supporting evidence of association with Al-Qaida and/or the Taliban. A criminal charge or conviction is not necessary for inclusion on the List as the sanctions are intended to be preventive in nature. The Committee will consider proposed listings on the basis of the “associated with” standard described in paragraphs 2 and 3 of resolution 1617 (2005). When submitting names of groups, undertakings and/or entities, States are encouraged, if they deem it appropriate, to propose for listing at the same time the names of the individuals responsible for the decisions of the group, undertaking and/or entity concerned.
- (d) Member States should provide a statement of case in support of the proposed listing that forms the basis or justification for the listing in accordance with the relevant resolutions. The statement of case should provide as much detail as possible on the basis(es) for listing indicated above, including: (1) specific findings demonstrating the association or activities alleged; (2) the nature of the supporting evidence (e.g., intelligence, law enforcement, judicial, media, admissions by subject, etc.) and (3) supporting evidence or documents that can be supplied. States should include details of any connection with a currently listed individual or entity. States should indicate what portion(s) of the statement of case the Committee may publicly release or release to Member States upon request.

- (e) Proposed additions to the List should be submitted using the cover sheet attached as an annex to these Guidelines and include, to the extent possible, relevant and specific information to enable the accurate identification of the individual, group, undertaking or entity concerned by competent authorities, including:
- For individuals: family name/surname, given names, other relevant names, date of birth, place of birth, nationality/citizenship, gender, aliases, employment/occupation, residence, passport or travel document and national identification number, current and previous addresses, and current location;
 - For groups, undertakings or entities: name, acronyms, address, headquarters, subsidiaries, affiliates, fronts, nature of business or activity, leadership, tax or other identification number and other names by which it is known or was formerly known.
- (f) The Committee will consider expeditiously requests to update the List. If a proposal for listing is not approved within the decision-making period as set out in Section 4(b) above, the Committee will provide feedback to the submitting State on the status of the request.
- (g) Any modification to the List will be communicated to Member States immediately. For new entries to the List, the Secretariat shall include, upon the prior decision of the Committee, the publicly releasable portion of the statement of case in its communication. The updated List will be made promptly available on the web-site of the Committee. Unless the Committee decides otherwise, any new entry to the List will be transmitted to Interpol to request, where feasible, the issuance of an Interpol-United Nations Security Council Special Notice. Once the updated List is communicated to Member States, States are encouraged to circulate it widely, such as to banks and other financial institutions, border points, airports, seaports, consulates, customs agents, intelligence agencies, alternative remittance systems and charities.
- (h) Two weeks after a listing is communicated to Member States, the Secretariat shall, in the case of an individual, send a letter to the State(s) of residence and/or citizenship, if known; in the case of an entity, the letter shall be sent to the State(s) of incorporation/registration and/or where it is located, if known. The letter shall remind such State(s) to inform, to the extent possible, and in writing where possible, individuals and entities included on the Consolidated List of the measures imposed on them, the Committee's Guidelines, and, in particular, the listing and de-listing procedures contained herein and the provisions of resolution 1452 (2002). The Secretariat shall include, upon the prior decision of the Committee, the publicly releasable portion of the statement of case in its letter to the State(s) of residence, citizenship, incorporation/registration and/or location.

- (i) Every year, the Secretariat shall circulate to the Committee the names on the List that have not been updated in four or more years. To ensure that the List is as updated and accurate as possible, any Member of the Committee may request a review of a listing, accompanied by a justification for that review. In such a case, the Secretariat shall circulate the name of the listed individual or entity to the Committee and to the designating State(s), along with the original statement of case and cover sheet. At the same time, the Secretariat shall, upon the prior decision of the Committee, notify the State(s) of residence and/or citizenship, where known, and provide the publicly releasable portion of the statement of case. The designating State(s) and the State(s) of residence and/or citizenship may submit updated information on the listed individual or entity, including identifying data. Such a review would take place without any presumption as to its outcome. The listing will be automatically renewed, unless the Committee decides to remove the name from the List.

7. Updating the existing information on the Consolidated List based on the information provided by Member States or regional or international organizations

The Committee shall consider expeditiously, in accordance with the following procedures, any information supplied by Member States or regional or international organizations, and shall decide which information would improve the existing information on the list;

- (a) The Committee will consider any additional information on listed individuals or entities submitted to it by Member States, regional or international organizations or the Monitoring Team. The Committee may approach the original designating State and consult with it on the relevance of the submitted additional information. The Committee may also encourage Member States or regional or international organizations providing such additional information to consult with the original designating State. The Secretariat will, subject to the designating State's consent, assist in establishing the appropriate contacts;
- (b) The Monitoring Team will, as appropriate, review any and all information received by the Committee in order to clarify or confirm such information. In this connection, the Monitoring Team will use all sources available to it, including other sources than those provided by the original designating State;
- (c) The Monitoring Team will subsequently advise the Committee, within 4 weeks, if such information could be included in the Consolidated List, or if further clarification is recommended in order to ascertain that the information received can be incorporated in the list. The Committee shall decide whether and how such clarification should be obtained and may again call upon the expertise of the Monitoring Team;

- (d) Upon the decision of the Committee to incorporate additional information into the Consolidated List the Chairman of the Committee will inform the Member State or regional or international organization that submitted the additional information accordingly. Member States will also be informed of all updates to the Consolidated List through Notes Verbale and United Nations Press Releases;
- (e) Any additional relevant information submitted to the Committee that is not incorporated into the list will be stored by the Monitoring Team in a database for the use of the Committee and the Monitoring Team in carrying out their respective mandates. The Committee may share such additional information with Member States whose nationals, residents or entities have been included on the Consolidated List. On a case-by-case basis the Committee may decide to release the information to other parties, with the prior consent of the submitting State.

8. De-listing

- (a) Without prejudice to available procedures, a petitioner (individual(s), groups, undertakings, and/or entities on the Committee's consolidated list) may petition the government of residence and/or citizenship to request review of the case. In this regard, the petitioner should provide justification for the de-listing request, offer relevant information and request support for de-listing;
- (b) The government to which a petition is submitted (the petitioned government) should review all relevant information and then approach bilaterally the government(s) originally proposing designation (the designating government(s)) to seek additional information and to hold consultations on the de-listing request;
- (c) The original designating government(s) may also request additional information from the petitioner's country of citizenship or residency. The petitioned and the designating government(s) may, as appropriate, consult with the Chairman of the Committee during the course of any such bilateral consultations;
- (d) If, after reviewing any additional information, the petitioned government wishes to pursue a de-listing request, it should seek to persuade the designating government(s) to submit jointly or separately a request for de-listing to the Committee. The petitioned government may, without an accompanying request from the original designating government(s), submit a request for de-listing to the Committee, pursuant to the no-objection procedure;
- (e) The Committee will reach decisions by consensus of its members. If consensus cannot be reached on a particular issue, the Chairman will undertake such further consultations as may facilitate agreement. If, after these consultations, consensus still cannot be reached, the matter may be submitted to the Security Council. Given the specific nature of the information, the Chairman may encourage bilateral exchanges between interested Member States in order to clarify the issue prior to a decision.

9. Exemptions pursuant to resolution 1452 (2002)

- (a) Pursuant to resolution 1452 (2002), the Committee shall receive notifications from Member States of their intention to authorize, where appropriate, access to frozen funds or other financial assets or economic resources to cover basic expenses, as provided for in paragraph 1(a) of the above resolution. The Committee, through the Secretariat, will inform the submitting State of receipt of the notification and the Committee's position at the conclusion of the 48-hour notification period. Should no negative decision be taken by the Committee within the requisite 48 hour period, the Chairman will inform the notifying Member State thereof. The Chairman will also inform the notifying Member State if a negative decision in the matter has been taken
- (b) The Committee shall consider and approve, if appropriate, requests by Member States for extraordinary expenses as provided for in paragraph 1(b) of resolution 1452 (2002).
- (c) Notifications and requests should, as appropriate, include the following information:
 - i. Recipient (name and address)
 - ii. Recipient's bank information (name and address of bank, account number)
 - iii. Purpose of payment
 - iv. Amount of installment
 - v. Number of installments
 - vi. Payment starting date
 - vii. Bank transfer or direct debit
 - viii. Interests
 - ix. Specific funds being unfrozen
 - x. Other information

10. Reports Submitted by Members States and Other Information Supplied to the Committee

- (a) The Committee will examine reports and checklists submitted by Member States pursuant to relevant resolutions and other relevant information. The Committee may request further information that it considers necessary.
- (b) The Committee will consider other information relevant to its work, including possible non-compliance with the measures imposed by the relevant resolutions,

received from different sources through Member States, international or regional organizations or the Monitoring Team.

- (c) The information received by the Committee will be kept confidential if the provider so requests or if the Committee so decides.
- (d) With a view to assisting Governments in their endeavour to implement the measures referred to in paragraph 1 of resolution 1617 (2005), the Committee may decide to supply information forwarded to it relating to possible non-compliance to the Governments concerned, and ask any such Government to report to the Committee subsequently on any follow-up action undertaken.
- (e) The Committee will provide Member States with an opportunity, at its request, to send representatives to meet the Committee for more in-depth discussion of relevant issues.

11. Reports to the Security Council and information to Members States

- (a) The Committee, through its Chairman, will report orally to the Security Council at least every 120 days pursuant to paragraph 16 of resolution 1617 (2005). The Committee will also submit written reports to the Council in accordance with relevant resolutions, including as requested in paragraph 17 of resolution 1617 (2005). The Committee, through its Chairman, may report to the Council when it deems appropriate.
- (b) In order to enhance the dialogue with Member States and to publicize the work of the Committee, the Chairman will brief interested Member States and the press following formal meetings of the Committee, unless the Committee decides otherwise. In addition, the Chairman may, after prior consultations and with the approval of the Committee, hold press conferences and/or issue press releases on any aspect of the Committee's work.
- (c) The Secretariat shall maintain a web-site for the Committee which should include all public documents relevant to the Committee's work, including the Committee's Consolidated List, relevant resolutions, public reports of the Committee, relevant press releases, reports submitted by Member States pursuant to resolution 1455 (2003), and reports of the Monitoring Group and the Monitoring Team. Information on the web-site should be updated in an expeditious manner

12. Visits to selected countries undertaken pursuant to resolution 1617 (2005)

- (a) The Committee may consider, as appropriate, visits by the Chairman and/or Committee members to selected countries to enhance the full and effective implementation of the measures referred to above, with a view to encouraging States to comply fully with the relevant resolutions.
- (b) The Committee shall consider and approve the proposal to visit selected countries, and coordinate such visits with the Counter-Terrorism Committee and other subsidiary organs of the Security Council as appropriate.
- (c) The Chairman will contact the selected countries through their Permanent Missions in New York, and will also send letters seeking their prior consent and explaining the objectives of the trip.
- (d) The Secretariat and the Monitoring Team will provide the Chairman and the Committee with the necessary assistance in this regard.
- (e) Upon his return the Chairman will prepare a comprehensive report on the findings of the trip and will brief the Committee orally and in writing.
